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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

7 PAUL LOUIS BELLUOMINI,

8 Plaintiff,

9 v.

10 STATE OF CALIFORNIA, et. al.

11 Defendants.
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Case No. 3:17-cv-00415-MMD-WGC

ORDER

13 Before the court is Plaintiff's application to proceed in forma pauperis (IFP). (ECF No.

14 1.)

15 A person may be granted permission to proceed IFP if the person "submits an affidavit
16 that includes a statement of all assets such [person] possesses [and] that the person is unable to
17 pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense
18 or appeal and affiant's belief that the person is entitled to redress." 28 U.S.C. § 1915(a)(1);
19 *Lopez v. Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000) (en banc) (stating that 28 U.S.C. § 1915
20 applies to all actions filed IFP, not just prisoner actions).

21 In addition, the Local Rules of Practice for the District of Nevada provide: "Any person
22 who is unable to prepay the fees in a civil case may apply to the court for authority to proceed
23 [IFP]. The application must be made on the form provided by the court and must include a
24 financial affidavit disclosing the applicant's income, assets, expenses, and liabilities." LSR 1-1.

25 "[T]he supporting affidavits [must] state the facts as to [the] affiant's poverty with some
26 particularity, definiteness and certainty.'" *U.S. v. McQuade*, 647 F.2d 938, 940 (9th Cir. 1981)
27 (quoting *Jefferson v. United States*, 277 F.2d 723, 725 (9th Cir. 1960)). A litigant need not "be
28 absolutely destitute to enjoy the benefits of the statute." *Adkins v. E.I. Du Pont de Nemours &*
Co., 335 U.S. 331, 339 (1948).

1 Plaintiff does not state in his application what his monthly income is, but indicates that
2 he has \$22,500 in cash or a checking or savings account. (ECF No. 1 at 2.) His expenses are
3 limited to \$400 a month for rent, and he has a debt of \$391 for car repairs. (*Id.*) The court cannot
4 conclude based on this application that Plaintiff is unable to pay the filing fee. Therefore, his
5 application to proceed in forma pauperis (ECF No. 1) is **DENIED**. Plaintiff has **THIRTY**
6 **DAYS** from the date of this Order to pay the filing fee, or it will be recommended that his action
7 be dismissed.

8 **IT IS SO ORDERED.**

9 DATED: August 30, 2017.

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WILLIAM G. COBB
13 UNITED STATES MAGISTRATE JUDGE
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